

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA §
§
vs. § NO: WA:13-CR-00220(1)-ADA
§
(1) JESUS DAVID FERNANDEZ-MADRID §

ORDER ACCEPTING REPORT AND RECOMMENDATION -
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On September 12, 2024 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (1) JESUS DAVID FERNANDEZ-MADRID, which alleged that Fernandez-Madrid violated a condition of his supervised release and recommended that Fernandez-Madrid 's supervised release be revoked (Clerk's Document No. 29). A warrant issued and Fernandez-Madrid was arrested. On September 9, 2024, Fernandez-Madrid appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set.

Fernandez-Madrid appeared before the magistrate judge on October 15, 2024, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on October 22, 2024, which provides that having carefully considered all of the arguments and evidence presented by the Government and Defendant, based on

the original offense and the intervening conduct of Fernandez-Madrid, the magistrate judge recommends that this court revoke Fernandez-Madrid supervised release and that Fernandez-Madrid be sentenced to imprisonment for TIME SERVED, with a term of THREE (3) Years of supervised release to follow the term of imprisonment, with a special condition that the Defendant not return to the U.S. (Clerk's Document No. 45).

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en banc*). The parties in this cause were properly notified of the consequences of a failure to file objections.

On October 15, 2024, following the hearing on the motion to revoke supervised release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To Report and Recommendation Of United States Magistrate Judge (Clerk's Document No. 43). The court, having reviewed the entire record and finding no plain error, accepts and adopts the report and recommendation filed in this cause.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 45) is hereby ACCEPTED AND ADOPTED by this court.

IT IS FURTHER ORDERED that Defendant (1) JESUS DAVID FERNANDEZ-MADRID 'term of supervised release is hereby REVOKED.

IT IS FURTHER ORDERED that Defendant (1) JESUS DAVID FERNANDEZ-MADRID be imprisoned for TIME SERVED with a term of supervised release of THREE (3) Years to follow the term of imprisonment. A special condition that the Defendant not return to the U.S is added to the special conditions, all prior conditions of supervised release are reimposed.

Signed this 24th day of October, 2024.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE